

REMARKSAmendments to Specification

The specification has been amended to correct typographical errors and eliminate unnecessary language. Applicant respectfully submits that no new matter has been introduced by these amendments.

Amendments to Claims

Claims 1, 9, 17, and 25 have been amended to further define the mixing of the recorded message with the soundscape. Applicant respectfully submits that the subject matter of these amendments finds support in the application as originally filed. Specifically, FIG. 9 and pages 26-27 of the specification clearly show the raising and lowering of the sound levels of the front punctuating sound, the message and the back punctuating sound during different time periods as stated in the currently amended claims. Therefore, Applicant respectfully submits that no new matter has been introduced by these amendments.

Claim Rejections – 35 U.S.C. §103

Claims 1, 2, 5, 9, 10, 13, 17, 18, 21, 25, 26, 27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Catona (US 6,288,319) in view of Ledoux et al. (US 6,757,573).

For a §103 obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the

proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. MPEP 2143.

Amended Claim 1 recites a method for creating a message on a client node operatively coupled to a host node over a network, the method comprising “choosing, by said client node, a soundscape ... comprising a plurality of distinct audio files including at least a front punctuating sound, a background, and a back punctuating sound ... mixing, by said client node, said soundscape and said message in a predetermined manner, wherein: during a first time period, the sound level of said front punctuating sound is raised to a level higher than the sound level of said message and said back punctuating sound, during a second time period occurring after said first time period, the sound level of said front punctuating sound and said background is lowered to a level lower than the sound level of said message and the sound level of said message is raised to a level higher than the sound level of said front punctuating sound, said background, and said back punctuating sound, and during a third time period occurring after said second time period, the sound level of said message is lowered to a level lower than the sound level of said back punctuating sound and the sound level of said back punctuating sound is raised to a level higher than the sound level of said front punctuating sound and said message.”

Catona fails to disclose the mixing of the soundscape and the recorded message as recited in Claim 1, wherein the sound level of the front punctuating sound, background, message, and back punctuating sound are raised and lowered to certain levels at certain time periods. On Page 3 of the Office Action dated August 15, 2005, Examiner even admits that Catona does not teach the multi-part soundscape of Claim 1.

Since Catona does not even teach a multi-part soundscape, it clearly cannot teach the detailed mixing steps involving the multi-part soundscape as recited in Claim 1.

Examiner asserts that Ledoux teaches the front punctuating sound, background and back punctuating sound as broadly interpreted, and that it would have been obvious to one of ordinary skill in the art to modify Catona to include a tool for designing and implementing interactive soundscapes as taught by Ledoux in order to provide the benefit of enabling a sound designer to work independently of the developer of a media application for audio and no-audio portions of a media application.

Applicant respectfully submits that Ledoux fails to teach the detailed mixing steps as recited in Claim 1, wherein the sound level of the front punctuating sound, background, message, and back punctuating sound are raised and lowered to certain levels at certain time periods. Applicant cannot find, nor has Examiner cited, any mention in Ledoux of the detailed mixing steps of Claim 1. The mere inclusion of a media graph display that enables a sound designer to associate an existing sound file with a node is not sufficiently specific enough to constitute a disclosure of the detailed mixing steps of Claim 1.

Since neither Catona nor Ledoux teach the mixing of the soundscape and the recorded message as recited in Claim 1, wherein the sound level of the front punctuating sound, background, message, and back punctuating sound are raised and lowered to certain levels at certain time periods, they cannot teach these limitations in combination.

Furthermore, even if Ledoux did teach these detailed mixing steps, there is no suggestion or incentive that would motivate one skilled in the art to modify the invention of Catona to include these steps. Examiner argues that this modification would enable a sound designer to work independently of the developer of a media application and no-audio portions of a media application. However, Catona is directed

towards a simple karaoke-style electronic greeting card. (Col. 1, lines 5-9, 40-45). There is no mention in Catona, nor is there any need for, a developer of a media application or no-audio portions of a media application. The invention of Ledoux is directed towards applications that are much more complex than the electronic greeting card in Catona, such as computer games, where there is a demand for sophisticated interactive audio designs. There is no motivation to enable the user in Catona to work independently of the developer or no-audio portions of a media application since Catona does not even mention or contemplate a developer or no-audio portions of a media application. Such a modification would only serve to complicate the invention of Catona. Therefore, Applicant respectfully submits that it would not have been obvious to one skilled in the art to modify the invention of Catona to include the detailed mixing steps of Claim 1.

Applicant respectfully submits that Claim 1 is patentable over Catona in view of Ledoux, and that Claim 1 is currently in condition for allowance.

Since Claims 2 and 5 depend from Claim 1, Applicant respectfully submits that Claims 2 and 5 are also patentable as they contain the same limitations as Claim 1. Therefore, Applicant respectfully submits that Claims 2 and 5 are currently in condition for allowance.

The same arguments made above with respect to the patentability of Claim 1 are applicable to the patentability of Claim 9 as well. Therefore, Applicant respectfully submits that Claim 9 is currently in condition for allowance. Reconsideration and withdrawal of this rejection is respectfully requested.

Since Claims 10 and 13 depend from Claim 9, Applicant respectfully submits that Claims 10 and 13 are also patentable as they contain the same limitations as Claim 9. Therefore, Applicant respectfully submits that Claims 10 and 13 are currently in condition for allowance.

The same arguments made above with respect to the patentability of Claim 1 are applicable to the patentability of Claim 17 as well. Therefore, Applicant respectfully submits that Claim 17 is currently in condition for allowance.

Since Claims 18 and 21 depend from Claim 17, Applicant respectfully submits that Claims 18 and 21 are also patentable as they contain the same limitations as Claim 17. Therefore, Applicant respectfully submits that Claims 18 and 21 are currently in condition for allowance.

The same arguments made above with respect to the patentability of Claim 1 are applicable to the patentability of Claim 25 as well. Therefore, Applicant respectfully submits that Claim 25 is currently in condition for allowance.

Since Claims 26 and 27 depend from Claim 25, Applicant respectfully submits that Claims 26 and 27 are also patentable as they contain the same limitations as Claim 25. Therefore, Applicant respectfully submits that Claims 26 and 27 are currently in condition for allowance.

Reconsideration and withdrawal of this rejection is respectfully requested.

Claims 3, 4, 11, 12, 19, and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Catona and Ledoux, in view of Hsu (US 5,860,065).

Since Claims 3, 4, 11, 12, 19, and 20 depend from Claims 1, 9 and 17 respectively, Applicant respectfully submits that Claims 3, 4, 11, 12, 19, and 20 are also patentable as they contain the same limitations as their respective parent claims. Therefore, Applicant respectfully submits that Claims 3, 4, 11, 12, 19, and 20 are currently in condition for allowance. Reconsideration and withdrawal of this rejection is respectfully requested.

Claims 7, 15 and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Catona and Ledoux, in view of Dawson (US 6,252,588).

Since Claims 7, 15 and 23 depend from Claims 1, 9 and 17 respectively, Applicant respectfully submits that Claims 7, 15 and 23 are also patentable as they contain the same limitations as their respective parent claims. Therefore, Applicant respectfully submits that Claims 7, 15 and 23 are currently in condition for allowance. Reconsideration and withdrawal of this rejection is respectfully requested.

Claims 8, 16 and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Catona and Ledoux, in view of Dawson and Hsu.

Since Claims 8, 16 and 24 depend from Claims 1, 9 and 17 respectively, Applicant respectfully submits that Claims 8, 16 and 24 are also patentable as they contain the same limitations as their respective parent claims. Therefore, Applicant respectfully submits that Claims 8, 16 and 24 are currently in condition for allowance. Reconsideration and withdrawal of this rejection is respectfully requested.

If the Examiner has any questions regarding this application, the Examiner may telephone the undersigned at 775-586-9500.

Respectfully submitted,  
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